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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,932	11/21/2001	Bon K. Sy	8075-2	2279
37282	7590	05/25/2005		
HOWARD J. GREENWALD P.C. 349 W. COMMERCIAL STREET SUITE 2490 EAST ROCHESTER, NY 14445-2408				
			EXAMINER BACKER, FIRMIN	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,932

Applicant(s)

SY, BON K.

Examiner

Firmin Backer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 18th, 2005 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable Benson (U.S. Patent No. 6,334,118) in view of Brunner et al (U.S. Patent No. 6,185,414 B1).

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5. As per claim 1, 6, 12 and 22, Benson et al teach a method for licensing time-based software comprising the loading time-based software onto a client machine, wherein the time-based software submits user information including an amount of time request by the user for using the time based software to an authentication server through a network/internet, determining if the user is approved, wherein if the user is approved, further comprising the step of: the authentication server activating the time-based software for an amount of time approved (*see abstract, column 1 lines 28-42, 3 line 55-4 line 25, 14 lines 25-65*). Benson et al fail to teach an inventive concept wherein if the user uses the time-based software for less than the amount of time approved, the user crediting any amount of time back to the authenticating server.

However, Brunner et al teaches an inventive concept to teach an inventive concept wherein if the user uses the time-based software for less than the amount of time approved, the user crediting any amount of time back to the authenticating server (*see claim 25*). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive concept Benson et al to include Brunner et al's teach an inventive concept wherein if the user uses the time-based software for less than the amount of time approved, the user crediting any amount of time back to the authenticating server because this would have ensure that the appropriate allocated for the use of the software/application is properly used so that the system would have additional time to allocate to other user of the system.

6. As per claim 2, Benson et al teach a method wherein if the user is not approved, further comprising the step of sending a rejection message back to the software *see abstract, column 1 lines 28-42, 3 line 55-4 line 25, 14 lines 25-65*).

7. As per claim 3, 13 and 23, Benson et al teach a method wherein the step of determining if the user is approved further comprises the steps of: matching the user information with a user account stored in the authentication server; and checking the user account for a time credit amount, wherein the user is approved if the user information matches the user account and the time credit amount is greater than zero (*see paragraphs 0049, 0050*).

8. As per claim 4, 14, Benson et al teach a method wherein the user information comprises a user name, a password, and an amount of time requested *see abstract, column 1 lines 28-42, 3 line 55-4 line 25, 14 lines 25-65*).

9. As per claim 5, 15 and 24, Benson et al teach a method wherein if the user uses the time-based software for less than the amount of time approved, further comprising the step of crediting any remaining amount of time back to the authentication server *see abstract, column 1 lines 28-42, 3 line 55-4 line 25, 14 lines 25-65*).

10. As per claim 7, 18 and 25, Benson et al teach a method wherein the step of the time-based software submitting user information to the authentication server further comprises submitting order information to the authentication server, the order information comprising a software product ID and a client machine IP address *see abstract, column 1 lines 28-42, 3 line 55-4 line 25, 14 lines 25-65*).

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11. As per claim 8, 19 and 26, Benson et al teach a method wherein the time-based software displays a log-in access box for requesting the user information, the log-in access box including a balance checking feature for allowing the user to check a total amount of time remaining in a user account *see abstract, column 1 lines 28-42, 3 line 55-4 line 25, 14 lines 25-65)*

12. As per claim 9, 17 and 27, Benson et al teach a method wherein if the user is approved, further comprising the step of updating a time credit amount in the authentication server *see abstract, column 1 lines 28-42, 3 line 55-4 line 25, 14 lines 25-65).*

13. As per claim 10, 20 and 28, Benson teach a method wherein if the time credit is greater than or equal to the amount of time requested, the amount of time approved comprises the amount of time requested *see abstract, column 1 lines 28-42, 3 line 55-4 line 25, 14 lines 25-65).*

14. As per claim 11, 21 and 29, Benson et al teach a method wherein if the time credit is less than the amount of time requested, the amount of time approved comprises the time credit *see abstract, column 1 lines 28-42, 3 line 55-4 line 25, 14 lines 25-65).*

15. As per claims 30-32, Benson et al teach a method wherein the user is determined to be approved independent of a time and data the user makes the request for using the software *see abstract, column 1 lines 28-42, 3 line 55-4 line 25, 14 lines 25-65).*

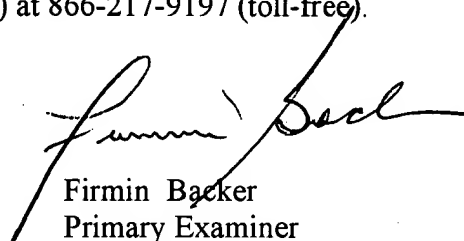
Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (*see form 892*).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (571) 272-6703. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Firmin Backer
Primary Examiner
Art Unit 3621

May 23, 2005